



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL



1700 G Street NW, Washington, D.C. 20552

June 27, 2024

Hon. Jennifer H. Rearden, United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

**MEMO ENDORSED**

Re: *CFPB v. Credit Acceptance Corp.*, No. 1:23-cv-00038

Dear Judge Rearden:

Plaintiffs, the Consumer Financial Protection Bureau and the New York Attorney General's Office, write to respectfully request that the stay of this case be lifted.

The Court ordered on August 7, 2023 that this case be stayed pending the Supreme Court's ruling in *CFPB v. Community Financial Services Ass'n of Am., Ltd.*, No. 22-448. *See* ECF No. 64. The Supreme Court has now issued its decision in that case. *See* 2024 WL 2193873 (U.S. May 16, 2024) ("*CFSA*"). In *CFSA*, the Supreme Court upheld the validity of the Bureau's method of funding and rejected the challengers' arguments that the method of funding violates the Appropriations Clause. Accordingly, in light of the Supreme Court's decision and the terms of this Court's stay order, Plaintiffs respectfully submit that the basis for the stay of this case has now passed and the stay should be lifted.

With respect to Defendant's motion to dismiss, Defendant filed a letter withdrawing the portion of the motion that challenged the constitutionality of the CFPB's funding structure. *See* ECF No. 69. After consulting with Defendant's counsel, Defendant informed Plaintiffs that it has no objection to the Court considering the remaining portion of its motion to dismiss but

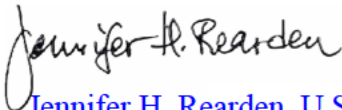
respectfully submits that other activity in the case is not appropriate during the pendency of the motion.

Application GRANTED. In light of the passage of time and the Supreme Court's decision in *Consumer Financial Protection Bureau v. Community Financial Services Association of America, Ltd.*, No. 22-448, 2024 WL 2193873 (U.S. May 16, 2024) ("*CFSA*"), the Court believes that revised briefing on Defendant's motion to dismiss would most effectively address the intervening legal developments and sharpen the issues for resolution. The extended briefing schedule and enlarged page limits previously allowed by the Court, *see* ECF No. 32, shall remain in place. To wit, by **July 31, 2024**, Defendant shall file its revised motion to dismiss. By **August 30, 2024**, Plaintiffs shall file their revised opposition. By **September 27, 2024**, Defendant shall file any reply. The memoranda in support and opposition shall not exceed 50 pages. Any reply by Defendant shall not exceed 25 pages.

The Clerk of Court is directed to lift the stay in this case.

The Clerk of Court is further directed to terminate ECF Nos. 34 and 59.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.  
Dated: July 1, 2024

Sincerely,

/s/ Phillip Harris

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